

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

**SAMUEL FRESINA, ANTHONY FRESINA,
CARMEN NICOTERA, JR., ANDREW
SCIOCCHETTI, JOHN CAMPBELL, EUGENE
HALLOCK, and LABORERS' LOCAL UNION
NO. 190,**

Plaintiffs,

vs.

**1:22-CV-1192
(MAD/CFH)**

CASALE EXCAVATION, INC.,

Defendant.

APPEARANCES:

**OFFICE OF ROBERT M. CHEVERIE
& ASSOCIATES**

Commerce Center One, Suite 101
333 East River Drive
East Hartford, Connecticut 06108
Attorney for Plaintiffs

OF COUNSEL:

GREGORY S. CAMPORA, ESQ.

Mae A. D'Agostino, U.S. District Judge:

ORDER

On November 3, 2022, Samuel Fresina, Anthony Fresina, Carmen Nicotera, Jr., Andrew Sciocchetti, John Campbell, and Eugene Hallock, as Trustees and Fiduciaries of the Laborers' Local No. 190 Pension Fund, Laborers' Local No. 190 Annuity Fund, Laborers' Local No. 190 Health Fund, and Laborers' Local Union No. 190 (collectively, "Plaintiffs"), commenced this action against Casale Excavation, Inc. ("Defendant") for failing to pay required contributions under the Employee Retirement Income Security Act and the Labor Management Relations Act.

See Dkt. No. 1. Presently before the Court is Plaintiffs' unopposed motion for default judgment.

See Dkt. No. 18.

Section 2(G) of the Individual Rules and Practices of the Honorable Mae A. D'Agostino provides that, "[i]n addition to the requirements set forth in the Federal and Local Rules of Civil Procedure, a party moving for default judgment must include a certificate of service demonstrating that it has served the motion on the party against whom default is sought." Plaintiffs were provided notice of Judge D'Agostino's Individual Rules both in the Filing Order and through a text order. *See* Dkt. Nos. 8, 16. No such certificate of service has been filed.

Accordingly, the Court hereby

ORDERS that Plaintiffs' motion for default judgment (Dkt. No. 18) is **DENIED without prejudice and with leave to renew upon compliance with Section 2(G)**; and the Court further

ORDERS that the Clerk of the Court shall serve a copy of this Order on the parties in accordance with the Local Rules.

IT IS SO ORDERED.

Dated: October 18, 2023
Albany, New York



Mae A. D'Agostino
U.S. District Judge